



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: January 8, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Klara A. Fabry, Public Services Director

SUBJECT: Hold Public Hearing, Waive First Reading and Introduce an Ordinance of the City of San Bruno Adding Chapter 10.25 (Reusable Bag Ordinance to Regulate the Distribution of Single-use Carryout Bags by Retail Establishments) to Title 10 (Municipal Services) of the San Bruno Municipal Code

BACKGROUND:

The City of San Bruno has long been concerned with the negative environmental impact caused by the widespread distribution of plastic bags. Nearly 20 billion plastic grocery bags are consumed annually in the State and according to Save the Bay, approximately 1 million plastic bags enter San Francisco Bay each year, causing significant harm to water quality and wildlife. Plastic bags entering the waste stream clog stormwater facilities, waterways and recycling equipment.

In response to the adverse environmental impacts caused by the widespread distribution of plastic bags and to facilitate a regional approach, the San Mateo County Department of Environmental Health took the lead on developing an ordinance that would prohibit retailers from issuing single-use plastic bags at the point of sale. City staff actively worked with the County and other jurisdictions in the development of the ordinance and the preparation of an Environmental Impact Report (EIR). The County coordinated this effort on behalf of eighteen cities in San Mateo County and six cities in Santa Clara County.

At the County Board of Supervisor study session to consider the main elements of the ordinance, public comments from stakeholders indicated a desire for a regional approach to this issue. The goal was to ensure uniform, consistent regulations in as broad a geographical area as possible. Additionally, for public health reasons, priority was placed on an exemption for produce bags and eating establishments selling prepared foods.

The County invited cities within San Mateo and Santa Clara counties to participate in the County's Environmental Impact Report (EIR) as "participating agencies". San Bruno was included in the scope of the EIR, with no cost to the City. This allows San Bruno to utilize the County prepared EIR to comply with the California Environmental Quality Act in the adoption of its own bag ordinance.

Staff from the County Department of Environmental Health, made a presentation to the City Council at its May 22, 2012 meeting. At that time, the City Council expressed interest in an ordinance banning single use bags on a county-wide basis.

DISCUSSION:

The intent of the proposed Reusable Bag Ordinance is to reduce the negative environmental impacts related to the use of single-use carryout bags and to promote a shift toward the use of reusable bags. The ordinance would regulate the distribution of paper and plastic single-use carryout bags by all retail establishments in San Bruno, including those selling clothing, food, and personal items directly to the customer. It would not apply to restaurants or non-profit charitable reuse organizations.

The ordinance would: (1) prohibit the free distribution of single-use carryout paper and plastic bags, and (2) require retail establishments to charge customers for recycled paper bags and reusable bags at the point of sale. The minimum charge would be ten cents (\$0.10) per paper bag until December 31, 2014 and twenty-five cents (\$0.25) per paper bag on or after January 1, 2015. Customers participating in the California Special Supplement Food Program for Women, Infants, and Children and the Supplemental Food Program may be furnished a recycled paper bag at no cost. A single-use plastic carryout bag is defined as a bag made from petroleum or bio-based plastic that is less than 2.25 mils thick (0.00225 inches). The ordinance would not prohibit the distribution of product bags, which are bags without handles provided to the customer to transport food from a department within a grocery store to the point of sale, to hold prescription medication dispensed from a pharmacy, or to segregate food or merchandise that could damage or contaminate other food or merchandise. Regulated retail establishments would be required to keep a complete and accurate record of the purchase and sale of any recycled paper or reusable bags for a minimum period of three years from the date of purchase and sale.

The ordinance would be effective beginning on April 22, 2013, giving stores and consumers time to comply with the ordinance and locate reusable bags as alternatives to carry purchases from stores. The County's Environmental Health Services Division would enforce regulations within the cities of San Mateo County that have adopted a comparable ordinance that vests the Environmental Health Services Division with such enforcement authority. The ordinance would be enforced by complaint response, as well as through random compliance visits by Environmental Health Specialists. Failure on the part of a retailer to comply with the ordinance would result in a \$100 fine for the first violation, increasing to \$200 for the second violation and up to \$500 for the third and subsequent violations.

Environmental Impacts

The Final Program EIR examined the potential environmental impacts associated with the adoption of the proposed ordinance in the Program EIR Study Area, consisting of eighteen cities in San Mateo County (including San Bruno), six cities in Santa Clara County and unincorporated San Mateo County. The Final Program EIR estimates the volume of current plastic bag usage within the Study Area at 552 million bags per year. With the proposed ordinance's regulations in effect, it is anticipated that 95 percent of that volume would be replaced by a combination of paper (165,879,409) and reusable (6,911,642) bags, leaving 27 million plastic bags still used each year. The Final Program EIR did not identify any significant impacts that require mitigation. In some situations, the impacts associated with the implementation of the proposed ordinance were found to be beneficial. The County certified the Final EIR at its October 23, 2012 meeting. It is recommended that the City Council adopt the Resolution making the CEQA findings and referencing the County adopted Final EIR prior to introduction of the Ordinance.

Schedule for Ordinance Review and Implementation:

If the City Council introduces the ordinance at this hearing, the item will be scheduled for second reading at the January 22, 2013 City Council meeting. Implementation of the ordinance will track the County's ordinance for consistency and ease of education/enforcement as follows:

Ordinance Implementation Schedule	
Proposed Effective Date of Ordinance (Earth Day 2013)	April 22, 2013
Minimum Charge of Ten Cents (\$0.10) per Recycled Paper Bag	April 22, 2013 – December 31, 2014
Minimum Charge of Twenty-Five Cents (\$0.25) per Recycled Paper Bag	January 1, 2015

Outreach:

County Staff conducted seven public meetings throughout the County in the lead up to the County adoption of the EIR and the ordinance. The County also prepared a "Bag It" movie that is available for cities and libraries to schedule showings. The San Bruno City Council discussed the possible regulations at its May 22, 2012 meeting, which has been televised and is available for public review. An article announcing the proposed ordinance was included in the Fall 2012 Focus report.

In addition to the public meetings conducted by the County, San Bruno City staff, in partnership with the County, will conduct one informational meeting for retail businesses and two informational meetings for residents. In partnership with the San Bruno Chamber of Commerce, the City will host the retail businesses informational meeting the morning of Wednesday, January 16, 2013. (In late December nearly 1,000 letters were mailed to San Bruno retail business announcing the January 8, 2013 City Council meeting as well as the January 16, 2013 informational meeting.) Staff will also provide for our residents an overview of the ordinance at two community meetings, scheduled on Thursday, January 17, 2013 and early February 2013. Staff will issue a press release announcing these meetings and the framework of the proposed ordinance, as well as produce announcements on Cable TV and the City's website.

If the City Council adopts the proposed ordinance, City and County Staff would respond to questions from retailers and residents and follow-up with personal visits to the retail establishments.

FISCAL IMPACT:

There is no direct cost to the City with the adoption of this ordinance. Expenses related to outreach will be paid for by the County Department of Environmental Health. City staff time for outreach coordination will be charged to the Public Services Department.

ALTERNATIVES:

The City Council could adopt the ordinance as presented, request modification to the ordinance or not adopt the ordinance at this time.

RECOMMENDATION:

Hold Public Hearing, Waive First Reading and introduce an ordinance of the City of San Bruno adding Chapter 10.25 (Reusable Bag Ordinance to Regulate the Distribution of Single-use Carryout Bags by Retail Establishments) to Title 10 (Municipal Services) of the San Bruno Municipal Code.

ATTACHMENTS:

1. Resolution of CEQA findings
2. Ordinance

DISTRIBUTION:

None

DATE PREPARED:

December 19, 2012

REVIEWED BY:

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